

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE SUBJECT EDUCATION PROGRAMS FOR PRISONERS	EFFECTIVE DATE 04/07/2003	NUMBER 05.02.112
	SUPERSEDES 05.02.112 (08/28/00)	
	AUTHORITY MCL 791.203; 791.233	
	ACA STANDARDS 3-4381; 3-4389; 3-4395; 3-4403; 3-4410 through 3-4415; 3-4418 through 3-4422-1; 2-CO-5B-01	
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POLICY STATEMENT:

Education programs shall be provided to prisoners in Correctional Facilities Administration (CFA) institutions as set forth in this policy.

POLICY:

GENERAL INFORMATION

- A. The Manager of the Educational Services Section, CFA, shall be responsible for the overall management of education programs for prisoners. The Manager also is responsible for maintaining an Education Manual, which shall be reviewed and updated as needed. The manual shall provide detailed information concerning matters relevant to the provision of education services, including school administration, education and education staffing. The manual shall be provided to Wardens for use by their education staff.
- B. The Educational Services Section Manager shall designate appropriate staff to serve on an Education Steering Committee. The Educational Services Section Manager shall chair this committee. The Education Steering Committee shall be responsible for the following:
 1. Reviewing, approving and recommending education programs.
 2. Developing standardized curriculum to be offered at CFA institutions. Business, industry, and community resources shall be used in developing career and technical (i.e., "vocational") and academic education programs.
 3. Reviewing and revising, as necessary, audit factors for each institution's education programs, including its curriculum.
 4. Developing and updating, as necessary, educational staffing and program standards to meet the needs of the prisoner population, including the reduction of waiting lists for program placement.
 5. Designating appropriate staff to serve as liaisons with community, state and federal agencies on Department-wide education issues.
 6. Ensuring available state, federal or other special program funding sources are identified and applications for the funding are developed.
 7. Developing procedures for hiring contractual employees for selected educational programs.
 8. Providing technical assistance regarding educational programs and issues.
 9. Reviewing budgetary needs and long term spending plans for the education program and recommending any necessary changes.

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10. Providing other educational programming services as set forth in this policy.

- C. The Education Steering Committee shall maintain an Education Action Plan, subject to the approval of the CFA Deputy Director, which shall be reviewed at least annually and updated as needed. The plan shall set forth the Department's goals in education programming and how those goals are to be met. The plan shall address the specific criteria to be used to determine if a prisoner is exempt from Adult Basic Education (ABE)/General Education Development (GED) programming pursuant to Paragraphs P and Q. Copies of the plan shall be distributed to Regional Prison Administrators (RPAs) and Wardens for use by education staff.
- D. The following education programs shall be provided at selected CFA institutions, consistent with the needs of the prisoner population, as directed and prioritized in the Education Action Plan.
 - 1. ABE, including English as a Second Language (ESL), and GED preparation and examination.
 - 2. Special education.
 - 3. Career and technical education.
 - 4. Transitional programming to assist prisoners with reentry into the community.
 - 5. Post-secondary programs, only as set forth in Paragraph W.
- E. The Educational Services Section Manager shall establish curriculum committees for all education programs offered at CFA institutions except post-secondary programs. The curriculum committees shall include qualified educational representatives which need not be limited to those from within the Department. The curriculum committees shall submit any recommended changes in education standards and curriculum, including materials to be used, to the Educational Services Section Manager for approval.
- F. The Educational Services Section Manager shall ensure that an audit of each institution's education programs and curriculum is conducted at least every three years. A written summary of the findings shall be submitted to the Educational Services Section Manager and to the appropriate Warden and RPA. The Warden shall ensure corrective action is taken as necessary and implemented changes are followed.
- G. In accordance with PD 04.01.105 "Reception Facility Services", reception facility staff shall ensure that each prisoner receives a comprehensive diagnostic assessment to determine his/her individual educational development, aptitude and interests.
- H. Each Warden shall ensure each prisoner is evaluated by education staff upon arrival at his/her institution using the Educational Program Plan (CSJ-363A). The Educational Program Plan shall identify education programs and services offered to the prisoner and set forth the goals for completion. The Educational Program Plan shall be reviewed at least quarterly by education staff and updated as necessary.
- I. A prisoner who passes the GED examination or completes a career and technical education program shall be provided formal recognition of that accomplishment (e.g., certificate of completion).
- J. Education files shall be created and maintained for every prisoner enrolled in education programs in accordance with OP 05.02.112 "Creation, Maintenance and Transfer of Education Files".

ABE AND GED PREPARATION AND EXAMINATION

- K. Unless exempt pursuant to Paragraphs P and Q, prisoners who do not possess a documented high school diploma or GED certificate shall be placed in appropriate ABE and GED preparation classes as

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set forth in Paragraph L. If a prisoner claims to have a high school diploma or GED certificate and documentation verifying the diploma or certificate does not exist in the prisoner's file, it shall be the prisoner's responsibility to provide verifiable documentation. If it can be reliably inferred from a verified military record or a verifiable advanced degree (e.g., associate's, bachelor's, master's) that the prisoner has a high school diploma or GED certificate, further documentation verifying the diploma or certificate is not required. A high school diploma issued by a correspondence school shall not be considered a documented high school diploma.

- L. Prisoners shall be placed in appropriate ABE and GED preparation classes based on the results of the Test of Adult Basic Education (TABE) and as determined by education staff. Placement shall be provided as soon as possible; however, priority shall be given to prisoners who are sentenced for a crime committed on or before December 15, 1998, and to those who are within two years of their earliest release date.
- M. Prisoners who possess a documented high school diploma or GED certificate, or who are exempt from GED programming, may request placement in ABE programming; however, such placement shall be permitted only as space permits.
- N. The GED examination shall be administered to prisoners who have satisfactorily completed appropriate GED preparation classes or have demonstrated competency at the GED preparation level, as determined by the TABE and education staff. Other prisoners may request to take the GED examination at their own expense as space permits.
- O. The Warden shall consider a prisoner's refusal to actively participate in required ABE or GED programming when deciding whether to grant special good time or special disciplinary credits.

Exemptions from ABE/GED Programming

- P. ABE/GED programming is not required for prisoners who:
 - 1. Are 65 years of age or older.
 - 2. Were gainfully employed immediately before committing the crime for which the prisoner is incarcerated as reflected in the pre-sentence investigation report prepared pursuant to PD 06.01.140 "Pre-sentence Investigation and Report". This does not include employment in an illegal activity.
 - 3. Do not have the necessary proficiency in English to attain a GED certificate.
 - 4. Have learning impairments. A learning impairment is defined as a chronic condition hindering the ability to improve academic learning as evidenced by:
 - a. The inability to attain a measurable advancement (i.e., at least a .5 grade level) for reading or math as determined by the TABE in a one year period of continuing classroom time; and,
 - b. A minimum of three documented teaching interventions to improve academic skill development in reading or math.
 - 5. Are special education students and are progressing toward the goals set forth in the prisoner's Individual Education Plan (IEP) developed pursuant to PD 05.02.114 "Special Education Services for Prisoners".
 - 6. Have documented medical problems which preclude participation in the education program.

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7. Are unable to successfully complete the requirements for a GED certificate at no fault of the prisoner's own.

Q. In order for a prisoner to be exempt from ABE/GED programming pursuant to Paragraph P, education staff must complete a GED Completion Exemption form (CAJ-789) and forward it to the Warden for approval. If approved, the prisoner shall not be required to participate in ABE/GED programming. An approved exemption shall remain in effect until the basis for the exemption is no longer valid, as determined by the Warden where the prisoner is housed.

R. A prisoner who disagrees with the Warden's decision may file a grievance as set forth in PD 03.02.130 "Prisoner/Parolee Grievances".

SPECIAL EDUCATION

S. Special education is specialized instruction and services for prisoners 21 years of age or younger who are determined to be eligible in accordance with PD 05.02.114 "Special Education Services for Prisoners". Special education programs and services shall be provided to eligible prisoners in accordance with the Special Education Plan developed pursuant to PD 05.02.114 and coordinated with other education programs and services.

CAREER AND TECHNICAL EDUCATION

T. Career and technical education enables prisoners to prepare for future employment by developing their ability to do a specific job or cluster of jobs and practicing job readiness skills. This is done through a systematic program of hands-on training and related instruction. Career and technical education programs shall be relevant to prisoner needs and employment opportunities in the community.

U. Prisoners shall not be allowed to complete more than one career and technical education program at State expense, except if a program or program component is required for an institutional work assignment or if there is a vacancy in the program with no waiting list. Priority for placement shall be given to prisoners who have not previously completed a career and technical education program or who are within three years of their earliest release date.

V. A prisoner with a disability requiring an accommodation in order to participate in an existing career and technical education program for which the prisoner is otherwise eligible may be provided an alternative version as approved by the Educational Services Section Manager.

POST-SECONDARY EDUCATION

W. Colleges shall be permitted to offer programs to prisoners in CFA institutions, subject to the approval of the CFA Deputy Director or designee. When offered, State funds shall not be used for program tuition or supplies. However, the Warden shall ensure space is available for classes to meet and that custody and safety supervision is maintained.

X. Prisoners in the general population shall be permitted to seek enrollment in college programs where offered. Prisoners in segregation shall be permitted to seek enrollment only as set forth in PD 04.05.120 "Segregation Standards". The final determination for a prisoner's acceptance into a college program is the sole responsibility of the college.

Y. Prisoners also may be allowed to participate in correspondence courses in accordance with PD 05.02.119 "Correspondence Courses".

SCHOOL PRINCIPALS

Z. Each institution's education program shall be supervised by a school principal. Each school principal shall schedule a minimum of 32 hours per week of student-teacher contact time, excluding breaks, for

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each teacher, including career and technical instructors. No more than two of the 32 hours may be used for document preparation and evaluative interviews, including those required pursuant to Paragraphs G and H.

EDUCATION REQUIREMENTS FOR WORK ASSIGNMENTS

- AA. Prisoners shall be required to have a documented high school diploma or GED certificate to be assigned to Michigan State Industries (MSI) unless:
1. The prisoner is exempt from GED completion requirements pursuant to Paragraphs P and Q.
 2. The prisoner was hired prior to and has worked continuously in MSI up to the effective date of this policy, is enrolled in appropriate ABE and GED preparation classes and is maintaining satisfactory performance evaluations for work and school. Failure to maintain satisfactory performance evaluations for MSI and school shall result in termination from the MSI assignment.
 3. There are not enough prisoners available in the job pool with a documented high school diploma or GED certificate to meet MSI hiring needs. The Warden may approve a prisoner to work in MSI who does not have a documented high school diploma or GED certificate if the prisoner is enrolled in appropriate ABE and GED preparation classes and is maintaining satisfactory performance evaluations for school. Failure to maintain satisfactory performance evaluations for MSI and school shall result in termination from the MSI assignment.
- BB. Unless exempt pursuant to Paragraphs P and Q, prisoners shall be required to have a documented high school diploma or GED certificate, or to be enrolled in and maintaining satisfactory progress in appropriate ABE and GED preparation classes, to be assigned to a non-MSI work assignment. Failure to maintain satisfactory progress shall result in termination from the work assignment. Priority for work assignments may be given to prisoners who possess a documented high school diploma or GED certificate.
- CC. A documented high school diploma or GED certificate shall be required for placement in preferred work assignments, as determined by the Warden or designee.

EDUCATION REQUIREMENTS FOR CAMP PLACEMENT

- DD. Possession of a documented high school diploma or GED certificate and satisfactory performance evaluations for other educational programming shall be considered in determining the specific placement of prisoners in a camp, as set forth in PD 05.01.140 "Prisoner Placement and Transfer".

OPERATING PROCEDURES

- EE. Wardens shall ensure that procedures are developed as necessary to implement requirements set forth in this policy directive; this shall be completed within 60 calendar days after the effective date of the policy directive. This requirement includes ensuring their existing procedures are revised or rescinded, as appropriate, if they are inconsistent with policy requirements or no longer needed.

AUDIT ELEMENTS

- FF. A Primary Audit Elements List has been developed and will be provided to Wardens to assist with self audit of this policy, pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".